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10/720,825	11/24/2003	Craig L. Reding	03-1025	5353

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VERIZON LEGAL DEPARTMENT
PATENT MANAGEMENT GROUP
1320 N. COURTHOUSE ROAD
9TH FLOOR
ARLINGTON, VA 22201-2525

EXAMINER	
PHAN, HUY Q	
ART UNIT	**PAPER NUMBER**
2617	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/720,825	REDING ET AL.	
	Examiner	Art Unit	
	HUY PHAN	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 March 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6,7,9,10,12,13,16 and 17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6,7,9,10,12,13,16 and 17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to Amendment filed on date: 04/01/2010.

Claims 1-4, 6, 7, 9, 10, 12, 13, 16 and 17 are still pending.

Claims 5, 8, 11, 14 and 15 have been cancelled.

Response to Arguments

2. Applicant's arguments (see REMARKS pages 9-20) have been fully considered but they are not persuasive.

Applicant argued that "Moreover, claims 12 and 16 are allowable over PACKHAM et al. and SABO et al., taken alone or in any reasonable combination. For example, claim 12, as amended, recites... PACKHAM et al. and SABO et al. do not disclose or suggest one or more of these features... For example, PACKHAM et al. and SABO et al. do not disclose or suggest means... the formatted message as a voice message" (see REMARKS pages 10-11). The new ground rejection has shown that the combination of Packham and Sabo discloses each and every claimed limitation of independent claims 12 and 16.

Regarding claim 12, Packham discloses an apparatus (fig. 1, SMSC-SMS/GMSC and [0019]) to provide short message service (SMS) messages to a user ("people with two handsets" see [0021]) associated with a plurality of devices (fig. 1, handsets 2 and 3; see [0019]), the apparatus comprising:

means for storing information identifying a preferred device ("two phones... first terminal is a mobile phone and the second terminal is a computer" see [0006]-[0008]), of the plurality of devices, and a specification of the preferred device ("using the routing information" see [0019] and fig. 1, handset 3);

means for receiving a SMS message ("a short message service centre SMSC forwards a text message" see [0019]) identifying one device of the plurality of devices ("using the routing information" see [0019] and fig. 1, handset 3);

means for selecting the preferred device ("using the routing information" see [0019] and fig. 1, handset 3) instead of the identified one device for receiving the SMS message in response to receiving the SMS message ("the usual path of the text message to the user terminal 2 is replaced by the path of the text message to the user terminal 3" see [0019]), the preferred device being different than the identified one device (fig. 1, handset 2 and see [0019]), where the preferred device is identified without sending the SMS message to the identified one device ("the usual path of the text message to the user terminal 2 is replaced by the path of the text message to the user terminal 3" see [0019]); and

means for sending the SMS message to the preferred device ("a short message service centre SMSC forwards a text message" see [0019]), the means for sending the SMS message comprising means for formatting, based on the specification of the preferred device ("two phones... first terminal is a mobile phone and the second terminal is a computer" see [0006]-[0008]), the SMS message in accordance with characteristics of the preferred device before sending the message to the preferred

device ("short message… mobile handset" see [0019] and "a computer… text messages received via email" see [0022]), where the means for sending the SMS message employs a pathway to the preferred device does not include the identified one device ("the usual path of the text message to the user terminal 2 is replaced by the path of the text message to the user terminal 3" see [0019]).

But, Packham does not particularly disclose where means for formatting the SMS message include:

means for determining, based on the characteristics, whether the preferred device is to receive the SMS message as a textual message or an audio message,

means for sending, when the preferred device is to receive the SMS message as the audio message, the formatted message as a voice message, and

send for sending, when the preferred device is to receive the SMS message as the textual message, the formatted message as a SMS, e-mail, or instant message.

However in analogous art, Sabo teaches where means for formatting the SMS message include:

means for determining, based on the characteristics [0031], whether the preferred device is to receive the SMS message as a textual message ("If destination 22 comprises a device which is able to receive the secure SMS message "as is," i.e., in the form of a text message, then in a fourth step SMSC 18 may transmit the message as a text message 38 without further operation on the secure SMS message" see [0031]) or an audio message ("if destination 22 is not a device able to receive text

messages, for example if destination 22 comprises a landline telephone, then the fourth step comprises transmission of voice message 40" see [0031]),

means for sending, when the preferred device is to receive the SMS message as the audio message, the formatted message as a voice message ("SMSC 18 translates the secure SMS message to a voice message, using a text-to-speech translator 24 comprised in the SMSC, and transmits text message 38 as a voice message 40" see [0031]), and

send for sending, when the preferred device is to receive the SMS message as the textual message ("If destination 22 comprises a device which is able to receive the secure SMS message "as is," i.e., in the form of a text message, then in a fourth step SMSC 18 may transmit the message as a text message 38 without further operation on the secure SMS message" see [0031]), the formatted message as a SMS, e-mail, or instant message [0031]. Since Packham and Sabo are related to a method for transmitting SMS message in a communication system; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Packham as taught by Sabo for purpose of offering the SMS message service to the communication device, which is not originally designed for SMS message service; thus the short message service (SMS) is increased that would bring more profit.

Regarding claim 16, Packham discloses a method, performed by a network routing device (fig. 1 and [0019]), the method comprising:

receiving a short message service (SMS) message ("a short message service centre SMSC forwards a text message" see [0019]) including information identifying a first destination device (fig. 1, handset 2 and see [0019]);

identifying a second destination device (fig. 1, handset 3) instead of the first destination device for receiving the SMS message in response to receiving the SMS message ("the usual path of the text message to the user terminal 2 is replaced by the path of the text message to the user terminal 3" see [0019]), the second destination device being different than the first destination device (fig. 1, handsets 2 and 3; see [0019]), where the second destination device is identified without sending the SMS message to the first destination device ("the usual path of the text message to the user terminal 2 is replaced by the path of the text message to the user terminal 3" see [0019]);

formatting the SMS message based on stored characteristics associated with the second destination device ("short message… mobile handset" see [0019] and "a computer… text messages received via email" see [0022]); and

sending, via a pathway that does not include the first destination device, the formatted SMS message to the second destination device ("the usual path of the text message to the user terminal 2 is replaced by the path of the text message to the user terminal 3" see [0019]).

But, Packham does not particularly disclose where formatting the SMS message includes determining, based on the characteristics, whether the second destination device is to receive the SMS message as a textual message or an audio message; and

where sending the formatted message includes: sending, when the second destination device is to receive the SMS message as the audio message, the formatted message as a voice message, and sending, when the preferred device is to receive the SMS message as the textual message, the formatted message as a SMS, e-mail, or instant message.

However in analogous art, Sabo teaches where formatting the SMS message includes determining, based on the characteristics [0031], whether the second destination device is to receive the SMS message as a textual message ("If destination 22 comprises a device which is able to receive the secure SMS message "as is," i.e., in the form of a text message, then in a fourth step SMSC 18 may transmit the message as a text message 38 without further operation on the secure SMS message" see [0031]) or an audio message ("if destination 22 is not a device able to receive text messages, for example if destination 22 comprises a landline telephone, then the fourth step comprises transmission of voice message 40" see [0031]); and
where sending the formatted message includes: sending, when the second destination device is to receive the SMS message as the audio message ("if destination 22 is not a device able to receive text messages, for example if destination 22 comprises a landline telephone, then the fourth step comprises transmission of voice message 40" see [0031]), the formatted message as a voice message ("SMSC 18 translates the secure SMS message to a voice message, using a text-to-speech translator 24 comprised in the SMSC, and transmits text message 38 as a voice message 40" see [0031]), and sending, when the preferred device is to receive the SMS message as the textual

message, the formatted message as a SMS, e-mail, or instant message ("If destination 22 comprises a device which is able to receive the secure SMS message "as is," i.e., in the form of a text message, then in a fourth step SMSC 18 may transmit the message as a text message 38 without further operation on the secure SMS message" see [0031]). Since Packham and Sabo are related to a method for transmitting SMS message in a communication system; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Packham as taught by Sabo for purpose of offering the SMS message service to the communication device, which is not originally designed for SMS message service; thus the short message service (SMS) is increased that would bring more profit.

Applicant argued that ("SABO et al. does not disclose or suggest, in any way, means for determining, based on the characteristics (of the preferred device), whether the preferred device is to receive the SMS message as a textual message or an audio message, and means for sending, when the preferred device is to receive the SMS message as the audio message, the formatted message as a voice message, as recited in claim 12. Instead, as described above, this section of SABO et al. relates to translating the SMS to the voice message 40 (regardless of the characteristics of destination 22) and then transmitting the voice message 40 when the destination 22 is a landline" (see REMARKS pages 14-15). The examiner respectfully disagrees with the applicant's argument. Sabo discloses a central SMS service center (SMSC) sending the formatting SMS message based on characteristic of the receiving device (of the

preferred device) ("If destination 22 comprises a device which is able to receive the secure SMS message "as is," i.e., in the form of a text message, then in a fourth step SMSC 18 may transmit the message as a text message 38 without further operation on the secure SMS message... if destination 22 is not a device able to receive text messages, for example if destination 22 comprises a landline telephone, then the fourth step comprises transmission of voice message 40" see [0031]). Since, Sabo discloses the SMSC sending an "as is" SMS message to the device, which is able to receive the "as is" SMS message, without further operation on the "as is" SMS message; and the SMSC sending a SMS message as a voice message to the device, which is unable to receive the "as is" SMS message, by translating the SMS message to the voice message. Therefore one of ordinary skill in the art would understand that the SMSC of Sabo discloses means for determining, based on the characteristics (of the preferred device), whether the preferred device is to receive the SMS message as a textual message ("If destination 22 comprises a device which is able to receive the secure SMS message "as is," i.e., in the form of a text message, then in a fourth step SMSC 18 may transmit the message as a text message 38 without further operation on the secure SMS message" see [0031]) or an audio message ("if destination 22 is not a device able to receive text messages, for example if destination 22 comprises a landline telephone, then the fourth step comprises transmission of voice message 40" see [0031]), and means for sending, when the preferred device is to receive the SMS message as the audio message, the formatted message as a voice message ("if destination 22 is not a device able to receive text messages, for example if destination 22 comprises a landline

telephone, then the fourth step comprises transmission of voice message 40" see [0031]).

Claims 1, 2, 6, 9, 13 and 17 are, therefore, unallowable under 35 U.S.C. § 103(a) over Packham in view of Karve and further in view of Sabo, for at least reasons similar to the reasons presented above with respect to claim 12.

It is believed that the cited references Packham, Karve and Sabo disclose all the limitations of independent claim 1 (see examiner's explanation in above sections). Thus the combination of cited references Packham, Karve, Sabo and Gopinath can be used to reject dependent claim 3, because the combination of cited references teaches each and every claimed limitation.

It is believed that the cited references Packham, Karve and Sabo disclose all the limitations of independent claim 1 (see examiner's explanation in above sections). Thus the combination of cited references Packham, Karve, Sabo and Dehlin can be used to reject dependent claim 4, because the combination of cited references teaches each and every claimed limitation.

It is believed that the cited references Packham, Karve and Sabo disclose all the limitations of independent claims 1 and 9 (see examiner's explanation in above sections). Thus the combination of cited references Packham, Karve, Sabo and Fostick

can be used to reject dependent claims 7 and 10, because the combination of cited references teaches each and every claimed limitation.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Independent claims 1, 9, 12 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The limitations of "determining, based on the characteristics, whether the preferred device is to receive the SMS message as a textual message or an audio message" in the claims 1, 9, 12 and 16 are not support by the specification.

It was found that "SN SMS Server 640 performs a lookup operation by accessing database 522 to determine the user's preferred device. Once SN SMS Server 640 determines the user's preferred device, SN SMS Server 640 may send the message to the user's preferred device, such as user terminal 112_A. SN SMS Server 640 then formats the message in an appropriate manner for display on the user's preferred device, user terminal 112_A. For example, the message may be formatted as an SMS message, an e-mail message, an instant messaging message, a voice mail, or a text

message for display by digital companion client software of terminal 112_A" (see [0094]). It is understood that the SMS server determines the preferred device then sends the message to the preferred device; and the message may be an SMS message, an e-mail message, an instant messaging message, a voice mail, or a text message for display by the preferred device. But it could not be found wherein the applicant's specification describes the amended limitation "determining, based on the characteristics, whether the preferred device is to receive the SMS message as a textual message or an audio message".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

I) Claims 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Packham (US 2003/0055906; previously cited) in view of Sabo (US-2003/0096626; previously cited).

Regarding claim 12, Packham discloses an apparatus (fig. 1, SMSC-SMS/GMSC and [0019]) to provide short message service (SMS) messages to a user ("people with two handsets" see [0021]) associated with a plurality of devices (fig. 1, handsets 2 and 3; see [0019]), the apparatus comprising:

means for storing information identifying a preferred device ("two phones... first terminal is a mobile phone and the second terminal is a computer" see [0006]-[0008]), of the plurality of devices, and a specification of the preferred device ("using the routing information" see [0019] and fig. 1, handset 3);

means for receiving a SMS message ("a short message service centre SMSC forwards a text message" see [0019]) identifying one device of the plurality of devices ("using the routing information" see [0019] and fig. 1, handset 3);

means for selecting the preferred device ("using the routing information" see [0019] and fig. 1, handset 3) instead of the identified one device for receiving the SMS message in response to receiving the SMS message ("the usual path of the text message to the user terminal 2 is replaced by the path of the text message to the user terminal 3" see [0019]), the preferred device being different than the identified one device (fig. 1, handset 2 and see [0019]), where the preferred device is identified without sending the SMS message to the identified one device ("the usual path of the text message to the user terminal 2 is replaced by the path of the text message to the user terminal 3" see [0019]); and

means for sending the SMS message to the preferred device ("a short message service centre SMSC forwards a text message" see [0019]), the means for sending the SMS message comprising means for formatting, based on the specification of the preferred device ("two phones... first terminal is a mobile phone and the second terminal is a computer" see [0006]-[0008]), the SMS message in accordance with characteristics of the preferred device before sending the message to the preferred

device ("short message… mobile handset" see [0019] and "a computer… text messages received via email" see [0022]), where the means for sending the SMS message employs a pathway to the preferred device does not include the identified one device ("the usual path of the text message to the user terminal 2 is replaced by the path of the text message to the user terminal 3" see [0019]).

But, Packham does not particularly disclose where means for formatting the SMS message include:

means for determining, based on the characteristics, whether the preferred device is to receive the SMS message as a textual message or an audio message,

means for sending, when the preferred device is to receive the SMS message as the audio message, the formatted message as a voice message, and

send for sending, when the preferred device is to receive the SMS message as the textual message, the formatted message as a SMS, e-mail, or instant message.

However in analogous art, Sabo teaches where means for formatting the SMS message include:

means for determining, based on the characteristics [0031], whether the preferred device is to receive the SMS message as a textual message ("If destination 22 comprises a device which is able to receive the secure SMS message "as is," i.e., in the form of a text message, then in a fourth step SMSC 18 may transmit the message as a text message 38 without further operation on the secure SMS message" see [0031]) or an audio message ("if destination 22 is not a device able to receive text

messages, for example if destination 22 comprises a landline telephone, then the fourth step comprises transmission of voice message 40" see [0031]),

means for sending, when the preferred device is to receive the SMS message as the audio message, the formatted message as a voice message ("SMSC 18 translates the secure SMS message to a voice message, using a text-to-speech translator 24 comprised in the SMSC, and transmits text message 38 as a voice message 40" see [0031]), and

send for sending, when the preferred device is to receive the SMS message as the textual message ("If destination 22 comprises a device which is able to receive the secure SMS message "as is," i.e., in the form of a text message, then in a fourth step SMSC 18 may transmit the message as a text message 38 without further operation on the secure SMS message" see [0031]), the formatted message as a SMS, e-mail, or instant message [0031]. Since Packham and Sabo are related to a method for transmitting SMS message in a communication system; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Packham as taught by Sabo for purpose of offering the SMS message service to the communication device, which is not originally designed for SMS message service; thus the short message service (SMS) is increased that would bring more profit.

Regarding claim 16, Packham discloses a method, performed by a network routing device (fig. 1 and [0019]), the method comprising:

receiving a short message service (SMS) message ("a short message service centre SMSC forwards a text message" see [0019]) including information identifying a first destination device (fig. 1, handset 2 and see [0019]);

identifying a second destination device (fig. 1, handset 3) instead of the first destination device for receiving the SMS message in response to receiving the SMS message ("the usual path of the text message to the user terminal 2 is replaced by the path of the text message to the user terminal 3" see [0019]), the second destination device being different than the first destination device (fig. 1, handsets 2 and 3; see [0019]), where the second destination device is identified without sending the SMS message to the first destination device ("the usual path of the text message to the user terminal 2 is replaced by the path of the text message to the user terminal 3" see [0019]);

formatting the SMS message based on stored characteristics associated with the second destination device ("short message… mobile handset" see [0019] and "a computer… text messages received via email" see [0022]); and

sending, via a pathway that does not include the first destination device, the formatted SMS message to the second destination device ("the usual path of the text message to the user terminal 2 is replaced by the path of the text message to the user terminal 3" see [0019]).

But, Packham does not particularly disclose where formatting the SMS message includes determining, based on the characteristics, whether the second destination device is to receive the SMS message as a textual message or an audio message; and

where sending the formatted message includes: sending, when the second destination device is to receive the SMS message as the audio message, the formatted message as a voice message, and sending, when the preferred device is to receive the SMS message as the textual message, the formatted message as a SMS, e-mail, or instant message.

However in analogous art, Sabo teaches where formatting the SMS message includes determining, based on the characteristics [0031], whether the second destination device is to receive the SMS message as a textual message ("If destination 22 comprises a device which is able to receive the secure SMS message "as is," i.e., in the form of a text message, then in a fourth step SMSC 18 may transmit the message as a text message 38 without further operation on the secure SMS message" see [0031]) or an audio message ("if destination 22 is not a device able to receive text messages, for example if destination 22 comprises a landline telephone, then the fourth step comprises transmission of voice message 40" see [0031]); and
where sending the formatted message includes: sending, when the second destination device is to receive the SMS message as the audio message ("if destination 22 is not a device able to receive text messages, for example if destination 22 comprises a landline telephone, then the fourth step comprises transmission of voice message 40" see [0031]), the formatted message as a voice message ("SMSC 18 translates the secure SMS message to a voice message, using a text-to-speech translator 24 comprised in the SMSC, and transmits text message 38 as a voice message 40" see [0031]), and sending, when the preferred device is to receive the SMS message as the textual

message, the formatted message as a SMS, e-mail, or instant message ("If destination 22 comprises a device which is able to receive the secure SMS message "as is," i.e., in the form of a text message, then in a fourth step SMSC 18 may transmit the message as a text message 38 without further operation on the secure SMS message" see [0031]). Since Packham and Sabo are related to a method for transmitting SMS message in a communication system; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Packham as taught by Sabo for purpose of offering the SMS message service to the communication device, which is not originally designed for SMS message service; thus the short message service (SMS) is increased that would bring more profit.

II) Claims 1, 2, 6, 9, 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Packham in view of Karve (US 2002/0137530; previously cited) and further in view of Sabo.

Regarding claim 1, Packham discloses a method to provide short messaging service (SMS) messages to a receiving party ("people with two handsets" see [0021]) associated with a plurality of devices (fig. 1, handsets 2 and 3; see [0019]), the method comprising:

receiving and storing, at a server device and from the receiving party ("two phones... first terminal is a mobile phone and the second terminal is a computer" see [0006]-[0008]), information identifying a preferred device ("using the routing information" see [0019] and fig. 1, handset 3), of the plurality of devices, and characteristics of the

preferred device ("short message… mobile handset" see [0019] and "a computer… text messages received via email" see [0022]);

receiving, at the server device (fig. 1, SMSC-SMS/GMSC and [0019]), a SMS message addressed to a first device of the plurality of devices (fig. 1, handset 2);

identifying, by the server device, a second device of the plurality of devices as a preferred device ("using the routing information" see [0019] and fig. 1, handset 3), instead of the first device, to receive for receiving the SMS message, where the second device is identified without sending the SMS message to the first device ("the usual path of the text message to the user terminal 2 is replaced by the path of the text message to the user terminal 3" see [0019]);

formatting, by the server device, the SMS message according to the characteristics of the preferred device ("short message… mobile handset" see [0019] and "a computer… text messages received via email" see [0022]); and

sending, by the server device, the formatted message to the preferred device, where sending the formatted message includes sending the formatted message via a pathway that does not include the first device ("the usual path of the text message to the user terminal 2 is replaced by the path of the text message to the user terminal 3" see [0019]).

But in the step of identifying, Packham does not particularly show based on information stored by the receiving party at the server device. However in analogous art, Karve teaches based on information stored by the receiving party at the server device ("allowing the user to define forwarding address lists stored at the SMS center" see

[0030]). Since, Packham and Karve are related to a method for transmitting SMS message in a communication system; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Packham as taught by Karve in order to provide the important information such as forwarding address list to the server, which would then use the information for forwarding the SMS message, thus improving the reliability of service; and to allow user to change or update the forwarding address lists whenever he/she needs; thus increasing the quality of service.

But, Packham and Karve do not particularly disclose where formatting the SMS message includes determining, based on the characteristics, whether the preferred device is to receive the SMS message as a textual message or an audio message; and where sending the formatted message includes sending, when the preferred device is to receive the SMS message as the audio message, the formatted message as a voice message that the receiving party can access via the preferred device, and where sending the formatted message includes sending, when the preferred device is to receive the SMS message as the textual message, the formatted message as a SMS, e-mail, or instant) message.

However in analogous art, Sabo teaches where formatting the SMS message includes determining, based on the characteristics [0031], whether the preferred device is to receive the SMS message as a textual message ("If destination 22 comprises a device which is able to receive the secure SMS message "as is," i.e., in the form of a text message, then in a fourth step SMSC 18 may transmit the message as a text

message 38 without further operation on the secure SMS message" see [0031]) or an audio message ("if destination 22 is not a device able to receive text messages, for example if destination 22 comprises a landline telephone, then the fourth step comprises transmission of voice message 40" see [0031]); and where sending the formatted message includes sending, when the preferred device is to receive the SMS message as the audio message ("if destination 22 is not a device able to receive text messages, for example if destination 22 comprises a landline telephone, then the fourth step comprises transmission of voice message 40" see [0031]), the formatted message as a voice message that the receiving party can access via the preferred device ("SMSC 18 translates the secure SMS message to a voice message, using a text-to-speech translator 24 comprised in the SMSC, and transmits text message 38 as a voice message 40" see [0031]), and where sending the formatted message includes sending, when the preferred device is to receive the SMS message as the textual message, the formatted message as a SMS, e-mail, or instant) message ("If destination 22 comprises a device which is able to receive the secure SMS message "as is," i.e., in the form of a text message, then in a fourth step SMSC 18 may transmit the message as a text message 38 without further operation on the secure SMS message" see [0031]). Since Packham and Sabo are related to a method for transmitting SMS message in a communication system; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Packham as taught by Sabo for purpose of offering the SMS message service to the communication device,

which is not originally designed for SMS message service; thus the short message service (SMS) is increased that would bring more profit.

Regarding claim 2, Karve further discloses the method of claim 1, where:

the preferred device comprises an SMS-compatible device ("mobile handset" see [0019]),

formatting the SMS message includes formatting the message in an SMS format ("a short message service centre SMSC forwards a text message" see [0019]), and

sending the formatted message comprises sending the formatted message to the SMS-capable device ("the usual path of the text message to the user terminal 2 is replaced by the path of the text message to the user terminal 3" see [0019]).

Regarding claim 6, Karve further discloses the method of claim 1, wherein sending the formatted message comprises sending the formatted message to digital companion client software that the receiving party can access via the preferred device (described as "the appropriate programming at the SMS center or by allowing the user to define forwarding address lists stored at the SMS center" see [0033]).

Regarding claim 9, Packham discloses an apparatus to provide short message service (SMS) messages (fig. 1, SMSC-SMS/GMSC and [0019]) to a user ("people with two handsets" see [0021]) associated with a plurality of devices (fig. 1, handsets 2 and 3; see [0019]), the apparatus comprising:

a database to store information ("routing information" see [0019]) identifying a first device, of the plurality of devices, as a preferred device (fig. 1, handset 3), and characteristics of the preferred device ("short message… mobile handset" see [0019] and "a computer… text messages received via email" see [0022]);

a gateway server (fig. 1, SMSC-SMS/GMSC and [0019]) to receive a SMS message identifying a second device of the plurality of devices (fig. 1, handset 2 and see [0019]); and

a SMS server (fig. 1, SMSC-SMS/GMSC and [0019]) to:

implement a server function to identify the preferred device ("using the routing information" see [0019] and fig. 1, handset 3) instead of the second device for receiving the SMS message in response to receiving the SMS message, the preferred device being different than the second device (fig. 1, handsets 2 and 3; see [0019]), where the server function identifies the preferred device without sending the SMS message to the second device ("the usual path of the text message to the user terminal 2 is replaced by the path of the text message to the user terminal 3" see [0019]);

format the SMS message in accordance with the characteristics of the preferred device ("short message… mobile handset" see [0019] and "a computer… text messages received via email" see [0022]), and

send the message to the preferred device, where the SMS server, when sending the formatted message, is further to determine a pathway to the preferred device that does not include the second device ("the usual path of the text message to the user

terminal 2 is replaced by the path of the text message to the user terminal 3" see [0019]).

But, Packham does not particularly show a database to store information identifying each device of the plurality of devices. However in analogous art, Karve teaches a database to store information identifying each device of the plurality of devices; ("allowing the user to define forwarding address lists stored at the SMS center" see [0030]). Since, Packham and Karve are related to a method for transmitting SMS message in a communication system; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Packham as taught by Karve in order to provide the important information such as forwarding address list to the server, which would then use the information for forwarding the SMS message, thus improving the reliability of service; and to allow user to change or update the forwarding address lists whenever he/she needs; thus increasing the quality of service.

But, Packham and Karve do not particularly disclose where when formatting the SMS message, the SMS server is further to determine, based on the characteristics, whether the preferred device is to receive the SMS message as a textual message or an audio message, and when sending the formatted message, the SMS server is further to: send, when the preferred device is to receive the SMS message as the audio message, the formatted message as a voice message, and send, when the preferred device is to receive the SMS message as the textual message, the formatted message as a SMS, e-mail, or instant message.

However in analogous art, Sabo teaches where when formatting the SMS message, the SMS server is further to determine, based on the characteristics [0031], whether the preferred device is to receive the SMS message as a textual message ("If destination 22 comprises a device which is able to receive the secure SMS message "as is," i.e., in the form of a text message, then in a fourth step SMSC 18 may transmit the message as a text message 38 without further operation on the secure SMS message" see [0031]) or an audio message ("if destination 22 is not a device able to receive text messages, for example if destination 22 comprises a landline telephone, then the fourth step comprises transmission of voice message 40" see [0031]), and when sending the formatted message, the SMS server is further to: send, when the preferred device is to receive the SMS message as the audio message ("if destination 22 is not a device able to receive text messages, for example if destination 22 comprises a landline telephone, then the fourth step comprises transmission of voice message 40" see [0031]), the formatted message as a voice message ("SMSC 18 translates the secure SMS message to a voice message, using a text-to-speech translator 24 comprised in the SMSC, and transmits text message 38 as a voice message 40" see [0031]), and send, when the preferred device is to receive the SMS message as the textual message, the formatted message as a SMS, e-mail, or instant message. ("If destination 22 comprises a device which is able to receive the secure SMS message "as is," i.e., in the form of a text message, then in a fourth step SMSC 18 may transmit the message as a text message 38 without further operation on the secure SMS message" see [0031]). Since Packham and Sabo are related to a method for

transmitting SMS message in a communication system; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Packham as taught by Sabo for purpose of offering the SMS message service to the communication device, which is not originally designed for SMS message service; thus the short message service (SMS) is increased that would bring more profit.

Regarding claim 13, Packham and Sabo disclose the apparatus of claim 12, except where the means for sending the SMS message comprises means for storing messages to a database when the preferred device is not available to receive messages. However in analogous art, Karve teaches where the means for sending the SMS message comprises means for storing messages to a database when the preferred device is not available to receive messages ([0028]-[0029] and [0007]). Since, Packham, Sabo and Karve are related to a method for transmitting SMS message in a communication system; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Packham and Sabo as taught by Karve in order to allow the user to receive the message whenever he/she is avialable; thus increasing the quality of service.

Regarding claim 17, Packham further discloses the method of claim 16 where the first destination device and the second destination device (fig. 1, handsets 2 and 3; see [0019]) are associated with a receiving party ("people with two handsets" see [0021]).

But in the step of identifying, Packham and Sabo do not particularly show identifying the second destination device based on a profile associated with receiving party. However in analogous art, Karve teaches identifying the second destination device based on a profile associated with receiving party ("allowing the user to define forwarding address lists stored at the SMS center" see [0030]). Since, Packham, Sabo and Karve are related to a method for transmitting SMS message in a communication system; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Packham and Sabo as taught by Karve in order to provide the important information such as forwarding address list to the server, which would then use the information for forwarding the SMS message, thus improving the reliability of service; and to allow user to change or update the forwarding address lists whenever he/she needs; thus increasing the quality of service.

III) Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over in view Packham in view of Karve in view of Sabo and further in view of Gopinath (US-2004/0002350; previously cited).

Regarding claim 3, Packham, Karve and Sabo discloses the method of claim 1. Both Packham ([0022]) and Karve ([0008]) suggest sending the formatted message to a personal computer and the user is able to retrieve the message. But Packham and Karve do not particularly teach where sending the formatted message comprises sending the formatted message to an e-mail address that the receiving party can access via the preferred device. However in analogous art, Gopinath teaches wherein

sending the formatted message comprises sending the formatted message to an e-mail address that the receiving party can access via the preferred device ([0054]-[0069]). Since, Packham, Karve, Sabo and Gopinath are related to a method for transmitting SMS message in a communication system; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Packham, Karve and Sabo as taught by Gopinath for purpose of incorporating the internet system with the SMS message system for increasing advantageously the communication services to the users.

IV) Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Packham in view of Karve in view of Sabo and further in view of Dehlin (US-2004/0203942; previously cited).

Regarding claim 4, Packham, Karve and Sabo disclose the method of claim 1 except where sending the formatted message comprises sending the formatted message to an instant messenger client that the receiving party can access via the preferred device. However in analogous art, Dehlin teaches where sending the formatted message comprises sending the formatted message to an instant messenger client that the receiving party can access via the preferred device (described as "The reply customized SMS message is translated into a reply instant message" or "SMS message has been identified as an instant message type" see abstract and [0031]). Since Packham, Karve, Sabo and Dehlin are related to a method for transmitting SMS message in a communication system; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of

Packham, Karve and Sabo as taught by Dehlin for purpose of "enabling instant messaging on a mobile device" (see Dehlin's title and specification).

V) Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Packham in view of Karve in view of Sabo and further in view of Fostick (US-2002/0187794; previously cited).

Regarding claim 7, Karve further discloses the method of claim 1 that once the mobile device receives a SMS message, which can be immediately displayed on the display of the mobile device. In either case, the message is stored for when the user desires to read the message. But Packham, Karve and Sabo do not particularly teach storing messages in a database when the preferred device is not available to receive messages. However in analogous art, Fostick teaches wherein storing messages in a database when the device is not available to receive messages [0007]. Since, Packham, Karve, Sabo and Fostick are related to a method for transmitting SMS message in a communication system; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Packham and Karve as taught by Fostick for purpose of guaranteeing the message delivery.

Regarding claim 10, Packham, Karve and Sabo further disclose the apparatus of claim 9, except where the SMS server is further to store messages to a database when the preferred device is not available to receive messages ([0028]-[0029] and [0007]).

However in analogous art, Fostick teaches wherein storing messages in a database when the device is not available to receive messages [0007]. Since, Packham, Karve, Sabo and Fostick are related to a method for transmitting SMS message in a communication system; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Packham, Karve and Sabo as taught by Fostick for purpose of guaranteeing the message delivery.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Henderson discloses "the recipient of a text message may be associated with a plurality of wired and/or wireless devices, and the text message can be converted into one or more formats and forwarded to different messaging clients on different devices that are selected by the recipient to receive text messages" (see specification).

b) May discloses that "scroll through the message, forward the message, prepare a reply thereto, etc. On the other hand, if the user is engaged in an activity such as driving, jogging, etc., where it is inconvenient or impractical to focus attention on the display 28 and use the keypad 26, the user may prefer that certain text messages be converted to speech and played for the user, similar to a voice mail message." (see specification).

c) Hullfish discloses "FIG. 4, after an SMS text message addressed to a telephone number is received 402, the dynamic message control server determines whether to forward the SMS text message regardless of the availability of the IM receiver based on user preference 404. If it is determined that the SMS text message shall be forwarded as an SMS text message regardless of the availability of the IM receiver based on user preference 404, the SMS text message is thus forwarded to the mobile phone of the addressed telephone number as an SMS text message without sending it as an instant message 406." (see specification).

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY PHAN whose telephone number is 571-272-7924. The examiner can normally be reached on 9AM-730PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Huy Q Phan/
Primary Examiner, Art Unit 2617
Date : 05/07/2010